

ON PAGE A17

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Israel Stonewalls

WASHINGTON

When does a democracy's need for security begin to undermine its principles?

Americans faced that terrible question when Lincoln's wartime policy of arbitrary arrest was struck down by the Supreme Court after the Civil War; we faced it again in the mid-1970's, when the hiring of assassins to murder a foreign dictator was belatedly condemned and outlawed; we face it again today, as spymasters threaten journalists with jail terms for daring to reveal secrets our enemies have already stolen.

Israel faces a similar moral dilemma in two cases; one is a cause célèbre, the other a time bomb.

The case roiling Israel today concerns the accusation that two Palestinian terrorists, captured after hijacking a bus on a mission of murder, were illegally killed by members of Shin Beth, Israel's super-F.B.I.

Several gutsy Shin Beth officials went to the Prime Minister, to protest the coverup of this incident by the head of their agency. When Mr. Peres refused to confront his chief of internal security — a patriot who has devoted his life to the defense against terror — the whistle-blowers went to the independent Attorney General, who started to conduct an investigation — and has just been fired by the Cabinet.

Most Israelis are thankful for the security provided by Shin Beth. Like most Americans, they would not blanch at the sight of terrorists being treated like wild animals, and if a third degree was needed to extract the name of a school about to be bombed, most would turn a blind eye to torture to save the children.

But what becomes of a nation that condones execution before indictment — if that is what took place — no matter how extenuating the circumstance? The ancient saying, "In the midst of war, the laws fall silent," cannot be accepted by a people who led the world in the codification of moral law. That issue is what profoundly troubles Israelis now.

What does not yet trouble them, but should, is the second example of security uncontrolled: the shameful attempt to steal secrets from the U.S. about Arab military capabilities, known as the Pollard affair.

A civilian working for the U.S. Navy, a Jew, was reportedly hired by Israeli intelligence; when he was caught, two Israeli diplomats scurried home. Prime Minister Peres disavowed the scheme as an isolated instance of unauthorized behavior by an agent operating on his own, apologized to the U.S., and permitted the interrogation of the supposedly rogue spymaster.

No Israeli was prosecuted; every-

Too many implausible denials

one hoped the affair would blow over. But some of us protested this obvious coverup. Nothing could be more self-defeating than to use American aid money to finance the stealing of American secrets; moreover, anti-Semites here were given new ammunition for their phony charges of "dual loyalty" at all U.S. Jews.

Jonathan Jay Pollard has apparently been talking to save his skin. Lawmen in Washington told The Los Angeles Times that the accused spy has been implicating others; I'm told that at least one other American will be arrested and an Israeli officer accused. The State Department counsel, Abraham Sofaer, has transmitted some of the allegations to Jerusalem with a request for an explanation.

The Israelis say the charges are "baseless," but because the Peres-Shamir Government has just demonstrated how it chokes up in a security crisis, I suspect the charges are not baseless. We can now expect to be treated to revelations about Israeli spying in the U.S., followed by increasingly implausible denials from Mr. Peres that he knew anything about this operation.

The two cases — the espionage probe here and the aborted investigation in Israel of the deaths of the captured terrorists — combine to suggest that control of internal security and external intelligence-gathering has loosened unconscionably. If nobody is responsible, nobody is in charge.

Some Israelis will say such concern is softness, unrealistic in an age of terror; and if a few agents were overenthusiastic in finding out Arab intentions through the U.S., what's the harm?

The harm is incalculable. The weaklings in this mess are those who will not defend the law when others are too fearful. In hard-headed, even cynical terms, this laxity in control must ultimately affect aid budgets and Israeli security; the softies in Israel are those who do not move quickly to get tough with the hasty and the stupid.

Wrongful means, no matter how noble the ends, must be acknowledged and punished lest they become tacitly approved policy that corrodes national morality. In Israel as in the U.S., in fighting terror and employing spies, the quality of what survives is at least as important as survival. □